

In the United States Court of Federal Claims

No. 08-14 V

VACCINE CASE

NOT FOR PUBLICATION¹

Filed April 23, 2010

SHAWN AND MEGAN BREWER,
as the Legal Representatives of their
Minor Child, RENEE BREWER,

Petitioners,

v.

SECRETARY OF THE DEPARTMENT
OF HEALTH AND HUMAN SERVICES,

Respondent.

ORDER

On April 19, 2010, the parties filed a Stipulation, attached hereto as Appendix A, in which they agreed to withdraw this appeal, settle the case, and described the settlement terms.

Petitioners allege that their child suffered from off-Table encephalopathy and long-term sequela as a result of receiving various vaccines including acellular diphtheria-tetanus-pertussis ("DTaP"), haemophilus influenzae type B ("HiB"), hepatitis B, and inactivated polio, that are contained in the Vaccine Injury Table. 42 C.F.R. § 100.3. Respondent denies that Petitioners' child suffered an injury that resulted in long term sequela as a result of the vaccines, and denies that the child's current disabilities are caused by any vaccination she received. Nevertheless, the parties have agreed to resolve this matter informally.

¹ Because this unpublished order contains a reasoned explanation for the court's action in this case, the court intends to post it on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Pursuant to RCFC Appendix B, Vaccine Rule 18(b), this order will be held for 14 days to afford each party an opportunity to object to the public disclosure of any information that contains trade secrets or commercial, financial information that is privileged, and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. If the court agrees that the identified material fits within the categories listed above, the judge shall redact such material from public access. 42 U.S.C. § 300aa-12(d)(4)(B); RCFC Appendix B, Vaccine Rule 18(b).

Accordingly, the court adopts the parties' attached stipulation, and awards compensation in the amount and on the terms set forth therein. Pursuant to the stipulation, the court awards a lump sum of **\$35,000.00** in the form of a check payable to Petitioners. This amount represents compensation for all damages available under 42 U.S.C. § 300aa-15(a).

The Clerk of the Court for the United States Court of Federal Claims is directed to enter judgment in accordance with this order.

IT IS SO ORDERED.

s/ Susan G. Braden
SUSAN G. BRADEN
Judge